

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SUP-15442 - APPLICANT/OWNER: BF TRUST

THIS ITEM WAS HELD IN ABEYANCE FROM THE OCTOBER 18, 2006 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-1/bg-2/ld/rt vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Package Liquor Off-Sale use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
7. The required trash enclosure shall meet Title 19 standards.

**** STAFF REPORT ****

APPLICATION REQUEST

The applicant is petitioning for a Special Use Permit to operate a proposed package liquor off-sale establishment at 519 St. Louis Avenue.

EXECUTIVE SUMMARY

The applicant would like to have the ability to operate a liquor store for off-premise consumption. No exterior changes to the property will be made nor are there any protected uses within the 400 foot distance separation requirement. However, the proposed use is neither harmonious nor compatible with the surrounding development of office, residential, and a pedestrian path. Therefore, staff recommends denial.

BACKGROUND INFORMATION

A) *Related Actions*

- | | |
|----------|---|
| 09/01/76 | The Board of City Commissioners approved an application for the reclassification of property located at 519 St. Louis Ave. from R-4 to C-1 (Z-50-76). |
| 08/09/76 | The Board of City Commissioners denied the request for a plot plan review to allow an off-premise sign on property located on the northwest corner of St. Louis Ave and Weldon Place (Z-50-76). |
| 09/27/84 | The Board of Zoning Adjustment approved the request for a Variance to allow a wedding chapel where such use is not permitted at 519 East St. Louis Avenue (V-100-84). |
| 03/19/86 | The City Council denied the plot plan review to allow an off-premise sign on property located on the northwest corner of St. Louis Ave and Weldon Place (Z-50-76). |
| 09/07/06 | The Planning Commission voted 4-1/bg-2/ld/rt vote to recommend APPROVAL (PC Agenda Item #57/mh). |

Business License History

- | | |
|----------|--|
| 07/10/87 | License issued for Judy Ness Realty, a business licensed under NRS 645 as a Real Estate Brokerage Business. The business license, # R02-01029, is still active |
| 10/01/03 | License issued for Sav Rx Pharmacy, a business that primarily sells health related products and pharmaceuticals. The business license, # D11-00207, is still active. |

B) Pre-Application Meeting

07/18/06 The details required for an application for a Special Use Permitted for a Liquor Store Off-Sale Establishment was discussed. It was noted that separation Requirements have been met, but that there is a Pedestrian Path along St. Louis Ave.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.16 acres

B) Existing Land Use

Subject Property: Office
North: Parking
South: Apartments
East: Apartments
West: Commercial Center

C) Planned Land Use

Subject Property: C (Commercial)
North: C (Commercial)
South: C (Commercial)
East: C (Commercial)
West: C (Commercial)

D) Existing Zoning

Subject Property: C-1
North: C-1
South: R-5
East: R-5
West: C-2

E) General Plan Compliance

The Downtown Redevelopment Area Plan of the Southeast General Plan designates the subject site as C (Downtown Commercial). This land use category allows office, service and general commercial uses. The proposal conforms to the SC (Service Commercial) category, which is allowed in the C (Downtown Commercial Use) designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		
Redevelopment Plan Area	X	
Special Overlay District		
Beverly Green Southridge Neighborhood Plan	X	
Airport Overlay District	X	
Trails		X
Pedestrian Path Corridor	X	

Airport Overlay District

The proposed site falls under the Airport Overlay District and is restricted to 175 feet in height; there is no effect.

Trails

The location of the proposed use is adjacent to a “Pedestrian Path” as identified in the Master Plan Transportation Trails Element. This established route identified in the General Plan, the Centennial Plan identifies an urban trail running along the north side of St. Louis Avenue.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Package Liquor Off- Sale	1950 SF.	1/300 GFA	7	1	7	2

The proposed Liquor Store currently meets Title 19.10 Parking, Loading, and Traffic Standards.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Liquor Establishment (Off-premise)	400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.	760 Feet from a Child Care Center & Nursery

Pursuant to Title 19.08, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Trash Enclosure	Trash enclosures shall be screened, odor-controlled, and located a min. 50 feet from any protected property	None

The applicant will need to provide a trash enclosure per Title 19.08.

B) General Analysis and Discussion

- **Zoning**

The subject site is currently zoned C-1 (Limited Commercial). A Liquor Establishment (Off-sale) use is permitted in C-1 with the approval of a Special Use Permit.

- **Use**

Title 19.04.050 establishes the criteria for the approval of alcohol-related uses within the city. The Code requires this Liquor Establishment (Off-sale) use to be a minimum of 400 feet from any church, synagogue, school, childcare facility licensed for more than twelve children, or City park as measured from property line to property line. In this case, there are no protected uses within the required minimum 400-foot distance separation radius. There is a Child Care Center located at 1804 Weldon Pl. approximately 760 feet to the north of the property.

- Conditions

- *1. Except as otherwise provided, no retail establishment with accessory package liquor off-sale (hereinafter “establishment”) shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.
- *2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term “property line” refers to property lines of fee interest parcels and does not include the property line of:
 - a. Any leasehold parcel; or
 - b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.
- *3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
 - a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or
 - b. In the case of a proposed establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.
- 4. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.

5. The minimum distance requirements in Requirement 1 do not apply to:
 - a. An establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or
 - b. A proposed establishment having more than 50,000 square feet of retail floor space.
- *6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.
7. The minimum distance requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of Section 19.040.050(A)(4), may be waived:
 - a. In accordance with the provisions of Section 19.04 0.050(A)(4) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The subject site is currently zoned C-1 (Limited Commercial). A Liquor Establishment (On-sale/Off-sale/On-Off sale) use is permitted in C-1 with the approval of a Special Use Permit.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

Title 19.04.050 establishes the criteria for the approval of alcohol-related uses within the city. The Code requires this Liquor Establishment (On-sale/Off-sale/On-Off sale) use to be a minimum of 400 feet from any church, synagogue, school, childcare facility licensed for more than twelve children, or City park as measured from property line to property line. In this case, there are no protected uses within the required minimum 400-foot distance separation radius.

3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”
4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 395 by City Clerk

APPROVALS 0

PROTESTS 1